

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC, d/b/a BRAZOS
LICENSING AND DEVELOPMENT,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE
COMPANY,

Defendant.

Civil Action No. 6:20-cv-00725-ADA
Civil Action No. 6:20-cv-00726-ADA
Civil Action No. 6:20-cv-00728-ADA
Civil Action No. 6:20-cv-00730-ADA
Civil Action No. 6:20-cv-00783-ADA

**DEFENDANT HEWLETT PACKARD ENTERPRISE COMPANY'S CONSOLIDATED
RESPONSE TO THIRD PARTY DISCOVERY MOTIONS**

Pursuant to the Court's March 4, 2022 Order Granting Consolidation for the Limited Purpose of Non-Party Discovery ("Order"), Defendant Hewlett Packard Enterprise Company ("HPE") hereby responds to the Google Motions identified in that Order.

HPE's objective ever since becoming involved in the instant disputes has been to obtain access to relevant discovery with a minimum of burden to all parties and non-parties concerned. Accordingly, as the Court's Order noted, HPE did not oppose the requested limited-purpose consolidation in light of the Requesting Non-Parties' agreement to produce to HPE any document production the Requesting Non-Parties provide to Google and the transcript of any deposition taken of them by Google. Order at 4-5. HPE also notes that Requesting Non-Party Aqua Licensing, LLC ("Aqua") has offered a deposition, and to facilitate scheduling and coordination of that deposition with the other defendants as directed in the Order, HPE and Plaintiff WSOU Investments, LLC have agreed that the deposition of Aqua may be conducted after the close of fact discovery in the above-captioned cases.

HPE supports the relief requested by Google in the Google Motions. Such discovery is also relevant to the HPE cases. For instance, the security interests referenced by Google also apply to patents that are asserted against HPE. *See, e.g.*, Google Motion to Compel BP Funding Trust, Case 6:21-cv-01270-ADA (Dkt. 1-1) at 73, 142, 203 ('630 Patent); 69, 139, 201 ('056 Patent); 95, 164, 221 ('774 Patent). Plaintiff's standing to bring and maintain these actions is a contested issue. The Court already directed WSOU to produce documents relevant to standing (*see, e.g.*, Preliminary Conference Transcript (Case 6:20-cv-00728-ADA, Dkt. 72, Ex. Q) at 6-7), and WSOU did produce certain documents in this category. The Google Motions, and the fact that the Requesting Non-Parties continue to resist them, provide reason to believe the Requesting Non-Parties have additional documentation beyond that already produced by WSOU that would bear on the issue of standing.

For the reasons set forth in the Google Motions and herein, the discovery sought by Google should be granted.

Date: March 14, 2022

Respectfully submitted,

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**COUNSEL FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of March 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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